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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,169	03/25/2004	Youri Martynov	LUM-PHNL030367	7989
32566	7590	09/14/2006	EXAMINER	
PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/810,169	MARTYNOV ET AL.	
	Examiner	Art Unit	
	Mark Tsidulko	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The submission of amendment filed on 6/14/2006 is acknowledged. At this point claims 1, 10 and 12 have been amended and the remaining claims left unchanged. Thus, claims 1-16 are at issue in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoelen et al. (US 2002/0167016).

Referring to Claim 1 Hoelen discloses (Fig.2B) an illumination system having a set of a pre-determined number of light emitters (consisted for example of two sets "C'") arranged along a line, the set includes a plurality of subsets of the light emitters with the same colors, the respective subsets have colors different from each other, the light emitters being assigned to substantially equidistant positions. The subsets may include different quantity of the emitters, because the ratio of LEDs could be R:G:B 3:2:1 (pages 2, 3, [0053]).

Referring to Claim 2 Hoelen discloses (Fig.4D) the assignment of the light emitters of the set takes into account mirroring effects at a beginning and at an end of the line.

Referring to Claims 8, 9 Hoelen discloses (Fig.4D) a plurality of sets of the light emitters, each set being arranged along the line in identical manner in each set.

Referring to Claim 10 Hoelen discloses (Fig.4D) an illumination system having set of a pre-determined number of light emitters (including, for example, two portions "C") arranged along a line, the set includes a plurality of subsets of the light emitters with the same colors, the respective subsets have colors different from each other, the light emitters of the subset with a smallest number of light emitters (blue) being assigned to substantially equidistant positions.

Referring to Claim 11 Hoelen discloses a display device having a LCD (page 1, [0007]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoelen et al. (US 2002/0167016) in view of Van Hees et al. (US 2005/0007753).

Hoelen et al. discloses the instant claimed invention except for that the light emitters are arranged at equidistant positions.

Van Hees et al disclose (Fig.2B) this arrangement. It allows the light beams of different colors being spread more evenly in a light-mixing panel.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the light emitters being arranged at equidistant positions, as taught by Van Hees et al., for the device of Hoelen et al. in order to evenly spread the light beams of different colors.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoelen et al. (US 2002/0167016).

Referring to Claim 12 Hoelen discloses (Fig.2B) an illumination system having a set of a pre-determined number of light emitters (including, for example, two portions “C”) arranged along a line, the set includes a plurality of subsets of the light emitters with the same colors, the respective subsets have colors different from each other, the light emitters of the subset with a smallest number of light emitters (blue) being assigned to substantially equidistant positions.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the method of arranging light emitters in an illumination system, as claimed steps, such steps being necessarily performed to obtain the patented structure of Hoelen et al.

Allowable Subject Matter

Claims 3-6, 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Referring to Claims 3, 13 the prior art of record fails to show an illumination system having one emitter with luminous light output lower than an average light output of light emitters in the subset, wherein this emitter is assigned to an area where a distance between light emitters of the subset is smaller, than an average distance between light emitters of the subset.

Referring to Claims 4, 14 the prior art of record fails to show an illumination system including one light emitter with a luminous light output being higher than the average light output of the light emitters in the subset and a second emitter with a with a luminous light output being lower than the average light output of the light emitters in the subset.

Referring to Claims 5, 15 the prior art of record fails to show an illumination system wherein at least one subset of light emitters has at least one light emitter with color tri-stimulus values differing from an average color tri-stimulus values of the light emitters in the subset, wherein this light emitter is assigned to an area of the line where a distance between the emitters of the subset is smaller than an average distance between the emitters of the subset.

Referring to Claims 6, 16 the prior art of record fails to show an illumination system including three subsets of light emitters wherein the difference in color tri-stimulus values between a first and a second subset is larger than between the other subsets.

Response to Arguments

Applicant's arguments filed 6/14/2006 have been fully considered but they are not persuasive.

Applicant argues that Hoelen et al. does not show three different colors of the LEDs.

In response, Fig.2B of Hoelen et al. shows three different colors (RGB) of LEDs.

Applicant has not provided evidence of unexpected results using a non-symmetrical arrangement. Providing an affidavit under 37 CFR 1.132 would provide this evidence.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.

August 21, 2006



Sandra O'Shea
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